

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JENNIE COURTNEY, ETC.,

Plaintiff,

VS.

ANTHONY CLARK, et al.,

Defendants.

))))))))

) Civil Action No.: 2:06-CV-00600-MHT

AFFIDAVIT OF JOHN W. EILAND.

Before me, the undersigned authority, personally appeared John W. Eiland, to me known, and first being duly sworn on oath, deposed and said:

My name is John W. Eiland. I am a resident and citizen of the State of Alabama, and I am over nineteen years of age. I have personal knowledge of the following matters set forth in this affidavit and understand that this affidavit is to be used in support of a Motion for Summary Judgment on behalf of Hollis & Spann, Inc. that is being filed in this case:

1. I have personal knowledge regarding the construction project for a new jail for Covington County, Andalusia, Alabama.
2. Hollis & Spann, Inc. is an Alabama corporation located in Dothan, Alabama, and its principal place of business is located in Dothan, Alabama.
3. Hollis & Spann, Inc. is licensed as a general contractor in the State of Alabama. Hollis & Spann, Inc. is a general contracting company for construction projects including court buildings, churches, broadcast stations, planned communities, recreational and resort projects, and correctional facilities.
4. I served as project manager for Hollis & Spann, Inc. regarding the construction of the Covington County Jail. On or around February 12,

1995, the Covington County Commission contracted with Hollis & Spann, Inc. to construct the jail in accordance with plans and specifications provided by Seymour & Lisenby Architects. During the construction of the Covington County Jail, Hollis & Spann, Inc. constructed the building and/or subcontracted portions of the construction, all of which was completed according to the construction plans and designs of the architect. Seymour & Lisenby Architects inspected every phase of construction.

5. On April 1, 1996, Lynn E. Seymour, a representative of Seymour & Lisenby Architects, issued to Hollis & Spann, Inc. a Certificate of Substantial Completion. In this Certificate, the architect company accepted Hollis & Spann, Inc.'s work in designating that construction was sufficiently complete in accordance with the contract documents. I, on behalf of Hollis & Spann, Inc., signed the Certificate of Substantial Completion on April 2, 1996.

6. To the best of my knowledge, the Covington County Commission accepted the work as substantially complete and assumed full possession of the Covington County Jail on April 4, 1996.

7. It is my understanding that the complaint in this matter alleges that Oscar Roy Doster and James Darren Harnage, who escaped from the Covington County Jail on or around March 31, 2005, escaped "in a similar manner and method as their first escape which occurred on or about November 3, 2002." In the November 3, 2002 escape, the inmates climbed an electric communications tower in one of the side yards and slid down a guy wire over the outside fence. The communications tower was not a part of the 1995/1996 jail construction project, and Hollis & Spann had no involvement with the installation or construction of the communications tower, which I understand the inmates used to escape from the prison yard.



JOHN W. EILAND

SWORN TO AND SUBSCRIBED BEFORE ME this the 2nd day of

October, 2006.



NOTARY PUBLIC

My Commission Expires 6/7/2010